

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

April Lamontagne and Roland Lamontagne,)
As Co-Guardians of Kassie-Marie Lamontagne,)
Plaintiffs,)
v.)
United States of America, et al.,)
Defendants.)

DECLARATION OF SEAN M. FLAIM

1. I am a Senior Attorney in the Claims and Employment Branch, General Law Division, Office of the General Counsel, Department of Health and Human Services (the "Department"). I am familiar with the official records of administrative tort claims and related litigation matters maintained by the Department, as well as with the system by which those records are maintained.

2. The Department has a Claims Office which maintains a database of administrative tort claims that have been filed with the Department, including those involving medical care performed at federally qualified health centers receiving grant funding from the Department.

3. I have searched the Department's database and determined that April Lamontagne, on behalf of Kassie-Marie Lamontagne, filed an administrative tort claim on May 3, 2022, regarding care she received from Coos County Family Health Services and its employee, Dr. Basem Elbrolosy. I have further determined that the administrative tort claim was denied on May 5, 2023.

4. I have reviewed Department records related to this claim and determined that Coos County Family Health Services (“CCFH”) is an entity receiving federal grant money from the

Department through its subagency, the Health Resources and Services Administration, pursuant to 42 U.S.C. §§ 254b, 254c, 256 or 256a.

5. At all times relevant to the allegations contained in the Complaint, CCFH was a grantee of the Department, and CCFH and its employees, including Dr. Basem Elbrolosy, had been deemed under the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g), by the Secretary of the Department as employees of the Public Health Service for the purpose of medical malpractice coverage under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2671, et seq.

I declare under penalty of perjury that the foregoing is true and correct.

28 U.S.C. § 1746.

Dated: August 11, 2023

Sean M. Flaim
Senior Attorney
Claims and Employment Law Branch
General Law Division
Office of the General Counsel
Department of Health and Human Services